

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ESTEBAN BALLI,

Plaintiff,

vs.

Civ. No. 99-381 BB/WWD

GIANT INDUSTRIES ARIZONA, INC., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon “Plaintiff’s Motion to Require Defendants to Comply with F.R.C.P. 26, 33 and 34 and for Full Inspection of Defendant Giant’s Facility and to Extend the Amount of Interrogatories, Request for Production and Request for Admission Plaintiff can Propound to the Defendants” [hereinafter Plaintiff’s Motion] filed June 29, 2000 [docket no. 106]. Plaintiff’s motion is deficient in numerous respects. Although I will deny most of the motion, including the request for additional discovery, I will allow an inspection of the property by Plaintiff, Plaintiff’s counsel, and such experts or technicians as Plaintiff’s counsel may chose to assist him in inspecting the property and in obtaining photographs, soil samples, and other such information as is mentioned in Fed. R. Civ. P. 34(a). I do not agree with Defendants’ argument that the rule is restricted to inspection by parties. Under the circumstances, I find that the Rule 34 entry and inspection, etc., should be confined to one weekday. If the parties are unable to agree upon a date, they should so notify me, and I will set a time for a meeting with the parties in order to set the date. I shall expect to hear from the parties with respect to their

agreement or lack of agreement within ten (10) days of the entry of this order. Discovery shall be considered to be extended solely to allow for the aforementioned entry and inspection.

**WHEREFORE,**

**IT IS ORDERED** that arrangements shall be made for Plaintiff, Plaintiff's counsel, and such experts as Plaintiff may chose to accompany him, to inspect the premises in question, and a date for such inspection shall either be agreed upon, or, upon notice of nonagreement, be set by the Court.

**IT IS FURTHER ORDERED** that in all other respects Plaintiff's motion [docket no 106] be, and it is hereby, DENIED.

  
UNITED STATES MAGISTRATE JUDGE